

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 27TH JUNE 2007 / 6TH ASHADHA 1929

Bail Appl..No. 3884 of 2007()

CRIME NO. 143/07 OF KATTOOR POLICE STATION

PETITIONERS/ACCUSED

1. SIBY KARTHIKEYAN, AGED 24 YEARS,
KAITHAVALAPPIL HOUSE,
EDATHIRINJI, KAKKATHURUTHY.
2. BINOJ BALAN, AGED 24 YEARS,
KAIMAPARAMBIL HOUSE, EDATHIRINJI,
KAKKATHURUTHY.

BY ADV. SRI.NAGARAJ NARAYANAN
PSI.SAIJO HASSAN
SRI.A.S.SABU

RESPONDENTS: STATE

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 27/06/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R. BASANT, J.

B.A.No. 3884 of 2007

Dated this the 27th day of June, 2007

ORDER

Application for anticipatory bail. The petitioners are accused 1 and 2 in a crime registered, inter alia, under Section 452 I.P.C. and Section 27 of the Arms Act. The petitioners were allegedly members of an unlawful assembly armed with dangerous weapons which attacked the shop of the defacto complainant. Simple injuries were caused to the victims and damage to the property resulted in the shop. The alleged incident took place on 23.5.2007 at 4.30 p.m. Investigation is in progress. The petitioners apprehend imminent arrest.

2. The learned counsel for the petitioners submits that the injuries suffered are simple and in these circumstances anticipatory bail may be granted to the petitioners. The learned Prosecutor opposes the application. There are no circumstances justifying the invocation of the jurisdiction under Section 438 Cr.P.C. submits the Prosecutor.

3. I find merit in the opposition by the learned Prosecutor.

This I am satisfied is a fit case where the petitioners must resort to the ordinary and regular procedure of appearing before the Investigator or the learned Magistrate having jurisdiction and then seek bail in the ordinary course.

4. This application is accordingly dismissed. I may however hasten to observe that if the petitioners appear before the Investigating Officer or the learned Magistrate and apply for regular bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass orders on merits, in accordance with law and expeditiously.

(R. BASANT)
Judge

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